

(2022) 12 MP CK 0097
In the Madhya Pradesh High Court
Case No : Writ Petition No. 29185 Of 2022

Deepak Jain

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 16-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Land Revenue Code, 1959 — Section 108

Citation : (2022) 12 MP CK 0097

Hon'ble Judges : Milind Ramesh Phadke, J

Bench : Single Bench

Advocate : Rishabh Agrawal, Shiraj Qureshi

Final Decision : Disposed Of

Judgement

Milind Ramesh Phadke, J

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:-

"(i) That, the respondent no. 1 may kindly be directed to initiate the recovery proceedings in pursuance to Revenue Recovery Certificate Annexure - P/2 by attaching the movable or immovable properties of Respondent no. 3 and take coercive action against the respondent no.3.

(ii) That, the respondent no. 1 may kindly be further directed to deposit the amount of Rs.06,19,962/- in the Labour Court No.2, Gwalior in specified time period and pay the interest to the petitioner for delay occurred by them.

(iii) That, the Respondents may be directed to indemnify to the petitioner towards loss of 12% per annum interest on the said amount.

(iv) Cost of the petition be awarded or

(v) Any other suitable order or direction deemed fit in the circumstances of the

case be issued in favour of the petitioner".

It is submitted by the counsel for the petitioner that the petitioner had filed an application for grant of pay of permanent employee under Section 108 of MPIL Act before Labour Court No.2, Gwalior for difference of pay and the said application was allowed by order dated 12.02.2007 by learned Labour Court No.2 directing the respondent department to pay Rs.2,36,863/-. Against the order dated 12.2.2007 an Appeal No.51/2007 M.P.I.R. was filed before the learned Industrial Court. The learned Industrial Court vide order dated 26.6.2017 has enhanced the amount and directed the respondent department to pay amount of Rs.6,19,962/-. Observing failure on part of respondents in making payment of amount ordered in compliance of its order, the learned Labour Court issued RRC dated 29.08.2022 to respondent No.1 for recovery of an amount of Rs.06,19,962/- but the Collector is not taking any action in the matter.

Per contra, the petition is vehemently opposed by the counsel for the State. However, it is submitted that in case if the order passed by the learned Industrial Court is still intact and if there is no stay on the execution of the same, then the RRC shall be executed positively within a period of one month from today.

Heard the learned counsel for the parties.

According to the petitioner, the order has been passed by learned Industrial Court on 26.7.2022 and the RRC has been issued by the Labour Court vide order dated 29.8.2022. Accordingly, it is directed that in case if the order passed by the learned Labour Court is still intact or if, there is no stay on the execution of the same, then the Collector, Bhind shall positively execute the RRC dated 29.08.2022 within a period of one month from the date of receipt of the certified copy of this order and the amount be released within this period.

With aforesaid observation, the petition is finally disposed of.